REMARKS

In the January 16, 2008 Office Action, the Examiner noted that claims 1-24 were pending in the application; rejected claims 1 and 14 under 35 USC § 102(e); and rejected claims 2-13 and 15-24 under 35 USC § 103(a). In rejecting the claims, U.S. Patents 7,032,222 to Karp et al. and 5,748,892 to Richardson (References A and B, respectively) were cited. Claims 1-24 remain in the case. The rejections are traversed below.

Rejections under 35 USC § 102(e)

In paragraphs 3-5 on page 2 of the January 16, 2008 Office Action, claims 1 and 14 were rejected under 35 USC § 102(e) as anticipated by Karp et al., using the same wording as in the Office Action mailed June 5, 2007. However, on pages 9-10 of the January 16, 2008 Office Action a "Response to Arguments" appeared to modify the § 102 rejection. Specifically, in the rejection on page 2, the only portion of Karp et al. that was cited was block 106 in Fig. 2 which contains only the words "Hard Limit Exceeded?" However, the "Response to Arguments" in the January 16, 2008 Office Action asserted that

> [t]he hard limit of Karp is equivalent to the first predetermined amount of Applicant's invention ... [and] that Fig 2, step 110 of Karp indicates another 'hard limit' (i.e. high watermark). Since Karp clearly teaches a restriction (Fig 2 step 106) that occurs before the true high limit of Karp (Fig 2 step 110, high watermark), Karp reads upon the claimed invention.

(Office Action, page 9, lines 14-18). Thus, the "Response to Arguments" section of the January 16, 2008 Office Action cited portions of Karp et al. that were not cited in rejecting the claims and provided an explanation of why Karp et al. was believed to anticipate claims 1 and 14 that was not provided in the rejection of these claims.

It is submitted that Karp et al. does not teach or suggest the limitations recited in claims 1 and 14 for the following reasons. First, it is submitted that the Office Action mischaracterized what is taught by Karp et al. In Fig. 2 of Karp et al., there are three decision blocks in sequence: 102 - Soft Limit Exceeded?; 106 - Hard Limit Exceeded?; and 110 - High Watermark Exceeded? As described at column 4, lines 9-29 of Karp et al., if the **total allocation for a single user** (after adding a request for additional allocation) does not exceed the soft limit (i.e., the test in block 102 is negative), the request for increased allocation is granted. If the soft limit is exceeded in block 102, then **the total allocation for the user** is compared to a hard limit in block 106 and the request is denied if the hard limit is exceeded. However, if the soft limit is exceeded (i.e., test in block 102 is positive), but the hard limit is not exceeded (i.e., test in block 106 is negative), then block 110 compares a "high watermark" with the **grand total allocation of the**

resource to all users, including the additional allocation requested by the user. If this "grand total" does not exceed the "high watermark," the request is granted.

It is submitted that there is no way the "hard limit of Karp is equivalent to the first predetermined amount" recited in claim 1 as asserted in the Office Action. Rather, the "hard limit" in Karp et al. is a maximum for a single user and no suggestion has been found in Karp et al. that this is a "within a first predetermined amount of a maximum number of available resources" (claim 1, last line) for all users which is what would be required to meet the limitations in claim 1, since the "high watermark" in Karp et al. represents a maximum number of available resources for all users.

Furthermore, none of the tests in blocks 102, 106 and 110 of Fig. 2 in Karp et al. determines whether "a number of resources **in use** is within" (claim 1, lines 3-4, emphasis added) any predetermined value, because the amount of resources in each of the tests in Karp et al. "includes the request 200" (column 4, line 12). In blocks 102 and 106 of Fig. 2 in Karp et al. the "soft limit" and "hard limit" are respectively compared to the total allocation for a single user after adding the request for additional allocation. As for block 110, "[i]f the granting of the request 200 would not cause the grand total allocation [of the resource 10 to all users (see column 4, line 25)] to exceed the high watermark then the request 200 is granted at step 114" (column 4, lines 26-29) Thus, while the "soft limit" in Karp et al. might be considered "a first predetermined amount of a maximum number of available resources" (claim 1, last line) for a single user, what is compared with this amount is not "a number of resources in use," nor is "a number of resources in use" compared with the "hard limit" or "high watermark" of Karp et al.

For the above reasons, it is submitted that Karp et al. does not anticipate claim 1. Furthermore, claim14 recites "restricting processing of resource acquisition requests when a number of resources in use is within a first predetermined amount of a maximum number of available resources" (claim 14, last 2 lines). Therefore, it is submitted that Karp et al. does not anticipate claim 14, for reasons similar to those set forth above with respect to claim 1.

Rejections under 35 USC § 103(a)

In paragraphs 7-32 on pages 3-8 of the Office Action, claims 2-13 and 15-24 were rejected under 35 USC § 103(a) as unpatentable over Karp et al. in view of Richardson. In rejecting claim 3, column 3, lines 3-4 and 16-17 of Karp et al. were cited as allegedly disclosing a "soft limit" like that recited in the claims. However, the "soft limit" of Karp et al., as indicated by block 102 in Fig. 2, relates to a number of resources "to which each potential user has

guaranteed access" (column 3, lines 18-19) and is not used in restricting access prior to reaching "a maximum number of available resources" (e.g., claim 1, last line).

Nothing has been cited or found in Richardson that suggests modification of Karp et al. to overcome the deficiencies discussed above. Therefore, it is submitted that claims 2-13 and 15-24 patentably distinguish over Karp et al. in view of Richardson for at least the reasons discussed above with respect to claim 1.

Request for Interview

If the rejection of claims 1-24 as unpatentable over Karp et al. in view of Richardson is not withdrawn as a result of the remarks above, the Examiner is respectfully requested to contact the undersigned to arrange an Interview for the purpose of discussing what amendments to the claims would clarify the differences between the invention and the cited prior art, so that examination of this application can be expedited.

Other Comments

Claims 6 and 19 have been amended to correct a word processing error that appeared in these claims.

Summary

It is submitted that the references cited by the Examiner, taken individually or in combination, do not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 1-24 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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